

The Berryville Town Council held two Public Hearings on March 14, 2006 in the Town Council Chambers at 15 E. Main Street, Berryville, Virginia.

The following were present:

Council -	Richard G. Sponseller, Mayor Allan W. McWilliams, Recorder Wilson Kirby Lawrence Russell, III Barry Nicholson Allen Kitselman
Staff -	Keith R. Dalton, Town Manager Desiree Moreland, Asst. Town Manager/Treasurer Christy Dunkle, Asst. Town Mgr/Town Planner Corporal Gerald Crosson, Police Department Celeste Heath, Town Clerk
Press -	Winchester Star: Bob Igor

Mayor Sponseller called the public hearing to order to hear comments on the following:

**Proposed increase in water and sewer availability fees**

Mr. Dalton stated that the public hearing notice ran in the Clarke Times Courier on March 2, 2006 and March 9, 2006 (copy attached) and that no public comment was received in the town office.

He said that the proposal is to increase the water availability fee by approximately 28% and the sewer availability fee by approximately 52%. If adopted, the increase would become effective on March 15, 2006.

Diane Harrison of 325 South Church Street said that she represents forty households in Berryville that don't have sewer now. She said that the tap fees are mainly for new developments. She said that these forty homes don't need to go on the system until their septic system fails. She suggested that the Town Council should grandfather the forty homes for a set rate so that in the future they will not have to pay \$25,000 to \$35,000.

Alton Echols, representing Ketocin Land Company asked about the current balance in the water fund for previously paid taps. Mr. Dalton said that the sewer fund has about 2.5 million dollars in it.

Mr. Echols then asked questions about the outfall line and the per gallon cost estimate for the wastewater treatment plant. Mr. Johnson and Mr. Dalton addressed his concerns. Mr. Echols said that he feels the proposed fees are backed by unsubstantiated numbers.

Alton Echols of 400 Custer Court began a citizen comment. Council member Nicholson said that Mr. Echols had already spoken and questioned why he is speaking again. Mayor Sponseller allowed the speaker 5 more minutes.

Mr. Echols said he would like to see more numbers regarding the proposed tap fees and asked to see the resume of View Engineering, asking if the company is owned by a French firm. Mr. Dalton responded that these fees are very well researched. Mayor

Sponseller said that the Winchester Star reported last week that fees in Frederick County are similar to the proposed fees.

There being no further comment from the public or Council, upon motion by Council member Russell, second by Council member Kirby the public hearing was adjourned.

Mayor Sponseller called the public hearing to order to hear comments on the following:

**Proposal to name the lane that serves Rose Hill Park from Church Street**

Mr. Dalton stated that the public hearing notice ran in the Clarke Times Courier on March 2, 2006 and March 9, 2006 (copy attached).

Mr. Dalton said that Mike Clotzman, who owns a home on the lane, contacted him and said that emergency services had a difficult time locating the dwelling because the lane is not addressed.

Sally Caldwell, 320 South Church Street, said that her grandparents owned the land that is now Rose Hill Park. She said that she would like the lane to be named for Smithy or McCormick.

Margaret Barthel, 118 Chalmers Court, said she favors either Smithy Lane to honor the former owners of the property or Rose Hill Lane because Rose Hill and Smithy were synonymous to the older people of Berryville.

Susi Bailey, 2386 Springsbury Road, said that she likes either Smithy or Rose Hill Lane.

There being no further comment from the public or Council, upon motion by Council member Russell, second by Recorder McWilliams the public hearing was adjourned.

**Town of Berryville  
Public Hearing Notice**

The Council of the Town of Berryville, VA, will hold the following public hearings at 7:30 p.m., or as soon as thereafter as the matter may be heard, on Tuesday March 14, 2006, in the Council Chambers at 15 East Main Street, Berryville, to hear public comment on the following matters:

**1. Proposed increase in Water and Sewer Availability Fees**

It is proposed that the water availability and sewer availability fees, which were made effective on January 1, 2006, be amended so as to increase the water availability fee by approximately 28% and the sewer availability fee by approximately 52%. If adopted, the increase would become effective on March 15, 2006.

The water availability fee for a 5/8" connection is now \$ 3,922 and would be increased to \$ 5,012. The associated sewer availability fee for that connection is now \$ 11,541 and would increase to \$ 17,488. The water and sewer availability fees for larger connections will increase proportionately. A fully revised Schedule of Water and Sewer Fees and Charges as proposed, is available at the Town Office.

Please note that availability fees are paid when new connections are made to the water and sewer systems. The monies collected are used for capital upgrades to the water and sewer systems. **This change does not affect monthly use rates.**

**2. Proposal to name to lane that serves Rose Hill Park from Church Street**

Because of safety concerns expressed by a property owner whose property is served by the lane, the Town Council will consider naming the lane and re-addressing structures served by the lane.

Pertinent information in connection with this item is available to the public at the Berryville Town Office at 23 East Main Street during regular working hours.

Any person desiring to be heard regarding these matters should appear at the appointed time and place. Written copies of statements at the public hearings are requested but not required.

The Town of Berryville does not discriminate on the basis of handicapped status in admission to its programs and activities. Accommodations will be made for handicapped persons upon prior request.

By Order of the Town Council  
Keith R. Dalton, Town Manager

Mayor Sponseller called the TOWN COUNCIL MEETING to order at 7:55 p.m.

On motion by Council member Nicholson, seconded by Council member Kirby and passed, the minutes of the Council meeting of February 14, 2006 were approved as written.

Recorded Vote:       Aye – Allan W. McWilliams, Recorder  
                              Wilson Kirby  
                              Allen Kitselman  
                              Barry Nicholson  
                              Lawrence Russell, III

Nay – None

Abstain - Richard G. Sponseller, Mayor

On motion by Council member Nicholson, seconded by Council member Kirby and passed, the minutes of the Council meeting of February 21, 2006 were approved as written.

Recorded Vote:       Aye – Allan W. McWilliams, Recorder  
                              Wilson Kirby  
                              Allen Kitselman  
                              Barry Nicholson  
                              Lawrence Russell, III

Nay – None

Abstain - Richard G. Sponseller, Mayor

### **Citizen's Forum**

John Friant of Bel Voi Farm, a member of the Barns of Rose Hill, Inc., thanked the Town for its support of the barns project. He suggested that there should be a mechanism to coordinate the responsibilities of ownership between the Town of Berryville and the Barns of Rose Hill. He said that perhaps a joint organization or committee would be appropriate. He said that he is also concerned with having a mechanism in place for conflict resolution.

Mayor Sponseller thanked Mr. Friant for his input and said that the Town has made a commitment to most of the issues that he addressed by charging the Community Improvements Committee of the Town Council to work with the Barns of Rose Hill.

Kate Petranech, President of Berryville Main Street, announced that the Berryville Main Street office has been refurbished and invited the Council to a reception on March 22, 2006 at 5:00 p.m.

Alton Echols of Ketocin Land Company said that he has had offers for the acreage around Food Lion and he has to say that the land is not zoned for retail. He said he would eliminate his lawsuit if he could put a drug store there. He said there is acreage on

340 that is suitable for a shopping center and that the Comprehensive Plan should allow for this.

Mr. Echols then spoke about the road configuration at his property and Westwood Road. He said that a shopping center could be put in that area. He then said that the water and sewer availability fees should not be changed if they are not correct.

Sue Ross, Director of Berryville Main Street asked the Town Council to pass a resolution regarding the Journey Through Hallowed Ground to seek National Scenic Byway designation for the 175 mile Rt. 15/231 corridor. She explained that the project will bring tourists through Berryville.

It was moved by Council member Kitselman, seconded by Recorder McWilliams to adopt the attached resolution supporting the intention of the Journey Through Hallowed Ground to seek National Scenic Byway designation for the 175 mile Rt. 15/231 corridor.

Recorded Vote:       Aye – Richard G. Sponseller, Mayor  
                              Allan W. McWilliams, Recorder  
                              Wilson Kirby  
                              Allen Kitselman  
                              Barry Nicholson  
                              Lawrence Russell, III

Nay – None

**Report of the Mayor, Richard G. Sponseller**  
**Water and Sewer Availability Fees**

Mayor Sponseller called the question on the availability fee increase. Recorder McWilliams made a motion to approve the water and sewer availability fee schedule as presented.

Council member Kirby said that the point about grandfathering some in-town properties is a valid one and that he would like the Council to explore the matter. Council member Kitselman concurred that the best thing is to bring these properties on to the system. He said that this is not going to be resolved right away but that the fees should be adopted tonight and there should be further discussion of the issue. Mayor Sponseller directed the Water and Sewer Committee to take the issue under advisement and report to the Council.

It was moved by Council member McWilliams, seconded by Council member Kitselman and passed to approve and adopt the attached Water and Sewer Availability Fee Schedule to be come effective on March 15, 2006.

Recorded Vote:       Aye – Richard G. Sponseller, Mayor  
                              Allan W. McWilliams, Recorder  
                              Wilson Kirby  
                              Allen Kitselman  
                              Barry Nicholson  
                              Lawrence Russell, III

Nay – None

Resolution of the Berryville Town Council  
National Scenic Byway designation

WHEREAS, The Journey Through Hallowed Ground Partnership is a non-profit organization dedicated to raising national awareness of the unparalleled history in the region, which generally follows the Old Carolina Road throughout the 175-mile long region centered on the Rt. 15/231 corridor; and

WHEREAS, The Journey Through Hallowed Ground corridor begins in Gettysburg, Pennsylvania, meanders through Frederick County, Maryland and ends at Thomas Jefferson's Monticello, near Charlottesville, Virginia, the corridor and its connection to Berryville is well defined; and

WHEREAS, The Journey Through Hallowed Ground encompasses 6 presidential homes, 13 National Historic Landmarks, 47 Historic Districts, 15 Main Street Communities, the largest collections of both Civil War Battlefields and Rural Historic Districts in the county, numerous historic homes and sites; and

WHEREAS, by linking the Main Street communities, historic downtowns, farms, businesses and heritage sites along the corridor, we have an opportunity to celebrate and preserve this vital fabric of America which stands today in the historic, scenic and natural beauty of this region; and

WHEREAS, a major component of the Journey Through Hallowed Ground's mission is the promotion of local businesses, and we are mindful that a strong economy in our historic towns is the best foundation for preserving a robust and thriving cultural community; and

WHEREAS, the mission of Berryville Main Street Main Street is to provide the best climate possible for healthy businesses which results in restored and maintained historic buildings, a pristine natural setting and a lively enjoyable town for everyone; and

WHEREAS, the rich history of Berryville is integral to the character of the town, and celebrating and sharing that history is in keeping with the goals of Berryville Main Street Main Street and The Journey Through Hallowed Ground Partnership;

THEREFORE, BE IT RESOLVED that the Town Council of Berryville, Virginia acknowledges the intrinsic importance of the Journey Through Hallowed Ground Partnership as a gateway to some of the most important locations in American history, encompassing centuries of historic sites in scenic settings; and, be it

RESOLVED FURTHER, that the Town Council of Berryville, Virginia supports the intention of the Journey Through Hallowed Ground to seek National Scenic Byway designation for the 175 mile Rt. 15/231 corridor.

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Richard G. Sponseller, Mayor

**BERRYVILLE TOWN COUNCIL  
MOTION FOR APPROVAL OF  
AVAILABILITY FEE INCREASE**

Date: March 14, 2006

Motion By: Allan W. McWilliams

Second By: Allen Kitselman

I move that the Council of the Town of Berryville approve the attached water and sewer availability fee schedule.

VOTE:

Aye: Richard G. Sponseller, Mayor  
Allan W. McWilliams, Recorder  
Wilson Kirby  
Allen Kitselman  
Barry Nicholson  
Lawrence Russell, III

Nay:

ATTEST:

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Allan W. McWilliams, Recorder

# TOWN OF BERRYVILLE SCHEDULE OF WATER AND SEWER FEES AND CHARGES

Effective March 15, 2006

## I. AVAILABILITY FEES

### A. WATER

<u>Type of Premises</u>	<u>Charge</u>
1. Residential:	
Single Family Residential individual 5/8" meter	\$ 5,012 + meter charge
Town House, Duplex individual 5/8" meter	5,012 per unit + meter charge
Multi-Family	4,436 per unit + meter charge
2. Commercial, Industrial, Institutional, & Single Family greater than 5/8" meter:	

<u>Water Meter Size (Inches)</u>	<u>Demand Ratio</u>	<u>Avail. Fee</u>	<u>Radio Read Meter Cost</u>
5/8	1.0	\$ 5,012	*
3/4	1.5	7,518	*
1.0	2.5	12,530	*
1.5	4.375	21,928	*
2.0	8.0	40,096	*
3.0	16.0	80,192	*
4.0	25.0	125,300	*
6.0	50.0	250,600	*
Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1			

\* Cost of meter plus 30% administrative fee

#### Notes:

- (a) Multi-family residences are defined as any master metered group of apartment, town house, condominium or other residential units with each unit containing separate kitchen facilities.
- (b) In cases where a master meter is serving multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of (a) an amount derived by multiplying the unit charge of \$5,012 for multi-family residence times the total number of residential and commercial units to be served by a single meter, or (b) an amount based on the meter size as specified above.



B. SEWER

Water Meter Size (Inches)	Demand Avail. Ratio	Fee
5/8	1.0	\$ 17,488
3/4	1.5	26,232
1.0	2.5	43,720
1.5	4.375	76,510
2.0	8.0	139,904
3.0	16.0	279,808
4.0	25.0	437,200
6.0	50.0	874,400
Greater than 6" , Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1		

II. **LATERAL or CONNECTION FEES**

A. WATER

Meter Size (Inches)	By Others	By Town
5/8	50(b)	cost + 10% (\$500 min.) & b
3/4	50 (b)	cost + 10% (\$500 min.) & b
1.0	75 (b)	cost + 10% (\$500 min.) & b
1.5	75 (b)	(c) & (b)
2.0	* ( b)	(c) & (b)
3.0	* (a) & (b)	(a) & (b)
4.0	* (a) & (b)	(a) & (b)
6.0	* (a) & (b)	(a) & (b)
Greater than 6"	* (a) & (b)	(a) & (b)

B. SEWER

Lateral Size (Inches)	By Others	By Town
4	\$ 50	cost + 10% (\$500 min.)
Greater than 4"	*	N/A (d)

Notes:

(a) = Town of Berryville to furnish and install wet taps to existing mains at cost plus 10%. Contractor to furnish and install lines and vaults.

(b) = Town of Berryville to install meters.

(c) = Town of Berryville to provide 2" service line to property line with 2" ball valve at cost plus 10%. Contractor to furnish and install meter vault and meter setter.

(d) = Installed by contractor if larger than 4" required.

\* = Inspection fee \$75 plus \$30 per hour after first hour.

III. **UNAUTHORIZED USE OF SERVICE**

For unapproved water withdrawals from fire hydrants or any other part of the Town Water System, or when a customer willfully takes steps to reactivate service after service has been disconnected by the town on account of nonpayment of any charge owed to the town and the town is required to take some action to again discontinue service, such as removing the meter, etc., a charge for unauthorized use of service in the amount of two hundred and fifty dollars (\$250) shall be paid. This charge shall be in addition to any other charge for water and sewer utility services owed to the town, as well as any other legal remedies which the town may be able to pursue for unauthorized use of service.

Mayor Sponseller then directed the Community Improvements Committee to start thinking about what sort of long term improvements they would like to see in the downtown area. He said that the Town has been able to put money away to prepay two-thirds of the cost for the new town office and that it is time to start thinking about the next big project.

### **Planning and Zoning Matters**

#### **Action Item: Shenandoah Crossing – Set Bond**

Ms. Dunkle said that the Council discussed these bonds at the last meeting and that she recommends that the bond for public improvements is set at \$6,512,000.00. Mr. Hayes from D.R. Horton was present.

Mr. Dalton said that he is still concerned that this bond doesn't include Fairfax and Weeks Streets. Mr. Hayes said that the off-site transportation improvements can be bonded and that Fairfax and Weeks will be in place before any traffic will be generated by Shenandoah Crossing. He said that their proffer indicated that the final plat can't be recorded until Fairfax and Weeks have been bonded. He said that he thinks that the concerns about Fairfax Street are valid and that he will be in the position to post a bond for the improvements at plat recordation after View Engineering comments are received. He said he is fully prepared to bond that amount.

Mr. Dalton said that if the applicant is saying that they are agreeing that the plats will not be recorded until after Fairfax and Weeks are bonded then he recommends that the public improvement bond can be set.

Council member Kirby said that he doesn't see where it would matter to the town since the applicant is taking the risk that the lots can't be recorded if the off-site improvements aren't bonded. Council member Nicholson asked Mr. Hayes what he would do if the road drags on for 8 or 9 months and the plat can't be recorded. Mr. Hayes replied that he understands the risk.

It was moved by Council member Kitselman, seconded by Council member Kirby and passed, to approve the request to set the bond for public improvements at Shenandoah Crossing at \$6,512,000.00 per View Engineering's recommendation with the requirement that D.R. Horton provide a letter stating that they are aware of the proffer agreement requiring bonding of Fairfax Street improvements before final plat recordation.

Recorded Vote:

Aye – Richard G. Sponseller, Mayor

Allan W. McWilliams, Recorder

Wilson Kirby

Allen Kitselman

Barry Nicholson

Lawrence Russell, III

Nay – None

**BERRYVILLE TOWN COUNCIL  
MOTION FOR APPROVAL OF PUBLIC IMPROVEMENT  
BOND FOR SHENANDOAH CROSSING**

Date: March 14, 2006

Motion By: Allen Kitselman

Second By: Wilson Kirby

I move that the Council of the Town of Berryville approve the request to set the bond for public improvements at Shenandoah Crossing at \$6,512,000.00 per View Engineering's recommendation with the requirement that D.R. Horton provide a letter stating that they are aware of the proffer agreement requiring bonding of Fairfax Street improvements before final plat recordation.

VOTE:

Aye: Richard G. Sponseller, Mayor  
Allan W. McWilliams, Recorder  
Wilson Kirby  
Allen Kitselman  
Barry Nicholson  
Lawrence Russell, III

Nay: None

ATTEST:

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Allan W. McWilliams, Recorder

**Action Item: Darbybrook Addition – Set Bond**

Ms. Dunkle reported that this is for seven lots that were rezoned in 2005. View Engineering recommends that the erosion and sediment control bond is set for \$18,850.00 and the public improvements bond is set for \$194,000.00.

It was moved by Council member Nicholson, seconded by Council member Kitselman and passed, to approve the request to set the bonds for the Darbybrook Phase II Addition for Erosion and Sediment Control in the amount of \$18,850.00 and for Public Improvement bonds for \$194,000.00.

Recorded Vote:       Aye – Richard G. Sponseller, Mayor  
                              Allan W. McWilliams, Recorder  
                              Wilson Kirby  
                              Allen Kitselman  
                              Barry Nicholson  
                              Lawrence Russell, III

Nay – None

**Set Public Hearing – Text Amendment to Section 307.3(c) Signs Permitted in Residential Districts and Text Amendment to Section 307.4 Signs Permitted in Commercial Districts**

**Proposed text amendment to Section 307.3(c) Signs Permitted in Residential Districts of the Berryville Zoning Ordinance modifying requirements for subdivisions signs in residential developments.**

**Proposed text amendment to Section 307 Sign Regulations of the Berryville Zoning Ordinance establishing Sections 307.4(l) and 307.4(m) allowing temporary signs in commercial zoning districts.**

Ms. Dunkle said that temporary signage is permitted in the Berryville Zoning Ordinance for “civic, philanthropic, education or religious organizations.” She said that the Architectural Review Board has requested that Council consider allowing temporary signage for businesses to announce grand openings, change of ownership, special sales or events for an approved timeframe. The ARB has permitted this on a case-by-case basis, but are recommending that the ordinance be modified to reflect this approval process. She said that the Planning Commission held a public hearing on February 28 concerning this matter and recommended the changes requested by the ARB.

A public hearing was set on the matter for April 11, 2006 at 7:30 p.m.

**Set Joint Public Hearing – Comprehensive Plan Update**

Ms. Dunkle said that the Planning Commission held many public input sessions regarding the update of the Comprehensive Plan. She said that the Planning Commission would like to hold a joint public hearing regarding the plan.

A joint public hearing with the Planning Commission was set on the matter for April 11, 2006 at 7:30 p.m.

**BERRYVILLE TOWN COUNCIL  
MOTION FOR APPROVAL OF  
BOND FOR THE DARBYBROOK PHASE II ADDITION**

Date: March 14, 2006

Motion By: Barry Nicholson

Second By: Allen Kitselman

I move that the Council of the Town of Berryville approve the request to set the bonds for the Darbybrook Phase II Addition for Erosion and Sediment Control in the amount of \$18,850.00 and for Public Improvement bonds for \$194,000.00.

VOTE:

Aye: Richard G. Sponseller, Mayor  
Allan W. McWilliams, Recorder  
Wilson Kirby  
Allen Kitselman  
Barry Nicholson  
Lawrence Russell, III

Nay: None

ATTEST:

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Allan W. McWilliams, Recorder

Ms. Dunkle explained Ketocin Land Company requested an interpretation of the “offices, business or professional” permitted uses to determine if “pharmacy” falls under this definition in the Business (B) and Business Commercial (BC) zoning districts. After some research, staff came up with a definition for pharmaceutical centers similar to that which is used in Winchester.

There was then a discussion of the proposed text amendment. Mayor Sponseller said that this language would cover an office based pharmacy like Eugene White’s pharmacy. He said that he feels like this is a reasonable interpretation and noted that such a pharmaceutical center has opened on Amherst Street in Winchester.

Mr. Dalton noted that the Town Council could sponsor this text amendment and that the Planning Commission would then review and hold a public hearing on the matter.

The Council directed the Planning Commission to review the proposed text amendment.

Mr. Dalton reported that the Blue Ridge Hospice will have a grand opening of their Berryville Office on April 13<sup>th</sup> at 10:00 a.m.

#### Transportation

Ms. Dunkle said that VDOT has sent information about revenue sharing and the preliminary engineering report for Fairfax Street. She said that VDOT feels that the engineering should be done with the first phase of these funds. Mr. Dalton said that the Council may also want to look at the town’s sidewalk network and pull it into the revenue sharing scheme.

#### Johnson Williams Middle School

Ms. Dunkle said that there is an advance copy of the new site plan for Johnson Williams. She explained that they are proposing a new traffic scheme for pick-up and drop-off traffic.

#### Rich Rau Memorial Bike Tour

A bike tour in honor of Rich Rau will be held on May 20, 2006.

#### **Report of the Town Manager**

##### Proposal to name the lane that serves Rose Hill Park from Church Street

Ms. Dunkle said that she thinks the “Lane” designation is reserved for County roads. Mayor Sponseller said that the Council should wait to act until the rules about naming are clear.

#### Joint Meeting with the Board of Supervisors – March 22, 2006

Mr. Dalton said that the Board of Supervisors supports the concept of the joint administrative building and that the meeting went very well.

### Through Truck Restriction

Mr. Dalton said that the Council has had two public hearings on this matter and are heading for a third. He said that there was a question about restricting only through tractor trailers. Jeff Lineberry of VDOT said that would be possible. After a discussion it was decided to approach the Board of Supervisors about a through tractor trailer restriction all the way to the Route 7 Bypass.

### Speed Limits

Mr. Dalton said that he has spoken to the resident engineer at VDOT and presented a draft letter from the Mayor asking for a 25 mph speed limit in town. Mayor Sponseller said that he thinks that starting the 25 mph speed limit to start 100 yards east of the entrance to Parks and Recreation.

### Street Priorities

Mr. Dalton said that the Streets and Utilities Committee discussed the following road improvement priorities:

#### *Primary Road Priorities*

- West Main Street – Urban Improvements from Jackson Drive west to the Bypass
- East Main Street – Urban Improvements from the Rail Road Tracks east to the Bypass
- East Main Street – Intersection improvements at First Street

#### *Secondary Road Priorities*

- Jack Enders Blvd. – Extension from terminus across railroad tracks
- First Street – Improvements from intersection with Fairfax Street south to Main Street
- West Fairfax Street – Urban improvements from North Church St. west to Buckmarsh St.
- Jack Enders Blvd. – Urban improvements from Blue Ridge St. south to Springsbury Rd.
- Crow Street – Urban improvements on north side and drainage improvements
- Battletown Drive – Drainage improvements near intersection with East Main Street

Mr. Dalton said that he would like to forward these priorities to the County.

It was moved by Council member Nicholson, seconded by Council member Kirby and passed, to approve the above listed road improvement priorities to the County of Clarke and the Virginia Department of Transportation.

#### Recorded Vote:

Aye – Richard G. Sponseller, Mayor

Allan W. McWilliams, Recorder

Wilson Kirby

Allen Kitselman

Barry Nicholson

Lawrence Russell, III

Nay – None

#### Water Service for Clermont Farm

This was discussed at the last meeting.

Mr. Dalton recommended that if the Council wishes to grant this connection that it needs to be specified in an agreement that this does not guarantee a connection in the future, the water will be used only for agricultural purposes and that if the use is discontinued, the property owners will abandon the line back to the main.

Council member Nicholson expressed concern about backflow from tank filling activities. Mr. Dalton said that they don't intend to fill any tanks but that concern can be noted in the agreement.

The Council then authorized Mayor Sponseller to sign an agreement with Clermont Farm regarding this use after it is reviewed by the Town's attorney.

#### Credit for Previously Paid Availability Fees

Mr. Dalton presented a policy regarding availability fees that have been paid but have expired. This will allow customers to pay the difference between what they originally paid and what the current fee is plus a 1% penalty.

It was moved by Council member Nicholson, seconded by Council member Kitselman and passed, to approve the following language regarding pre-paid availability fees:

The Town of Berryville may allow monies paid for expired fees to be credited toward the payment of availability fees provided that the new fees are paid at town's current rate and a 1% administrative fee, calculated on the full amount of expired fee, is paid. With regard to payment of fees that have expired, it is understood that the burden of proof lies with the applicant and not the Town of Berryville, to prove that such fees were paid. Interest will not be paid on any fees paid to the Town of Berryville.

Recorded Vote:

Aye – Richard G. Sponseller, Mayor

Allan W. McWilliams, Recorder

Wilson Kirby

Allen Kitselman

Barry Nicholson

Lawrence Russell, III

Nay – None



### **Reports of Standing Committees**

a. Police & Security - Allan W. McWilliams, Chair  
Nothing to add.

b. Community Improvements – Barry Nicholson, Chair  
Nothing to add.

c. Streets & Utilities – Barry Nicholson, Chair  
Nothing to add.

d. Planning Commission Liaison - Lawrence Russell, Chair  
Nothing to add.

e. BADA Liaison  
Nothing to add.

f. Personnel/Appointments – Richard Sponseller, Chair  
Nothing to add.

g. Budget/Finance/CIP - Allan W. McWilliams  
Recorder McWilliams reported that revenues are at 51% and expenses are at 27.7%. He said that a public hearing needs to be set for April 11, 2006

The council unanimously set a public hearing on the 2006-2007 Fiscal Year Budget for April 11, 2006 at 7:30 p.m.

Desiree Moreland, Town Treasurer noted that the Audit for Fiscal Year 2005-2006 is complete and the auditors noted that for a locality of Berryville's size we are in much better shape than other localities that they work with.

There being no further business, on motion by Recorder McWilliams, second by Council member Kitselman and passed the Council meeting was adjourned at 9:25 p.m.

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Richard G. Sponseller, Mayor

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Allan W. McWilliams, Recorder